

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Criminal No. 1:09-cr-103-01
)	
v.)	INFORMATION TO ESTABLISH PRIOR
)	CONVICTION
CLIFFORD SCOTT EATON,)	
)	
Defendant.)	

Pursuant to Title 21, United States Code, Section 851, the United States gives notice that it is seeking an enhanced sentence under 21 U.S.C. § 841(b)(1)(A) in the instant case based upon Clifford Scott Eaton's prior convictions of felony drug offenses as defined in 21 U.S.C. § 802(44).

Defendant Eaton is currently charged with conspiracy to possess with intent to distribute and distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine. For a person without a prior felony drug offense, the statutory penalties for such an offense under 21 U.S.C. § 841(b)(1)(A) are: (i) a term of imprisonment from 10 years to life, (ii) a fine of up to \$4,000,000.00, and (iii) a minimum term of supervised release of 5 years. If a defendant has one prior felony drug offense, the statutory penalties under Section 841(b)(1)(A) are: (i) a term of imprisonment of 20 years to life, (ii) a fine of up to \$8,000,000.00, and (iii) a minimum term of supervised release of 10 years. With two prior felony drug offenses, the statutory term of imprisonment is mandatory life.

Defendant Eaton has previously been convicted of two (2) felony drug offenses, as defined in 21 U.S.C. § 802(44), that is:

- 1) Possession of a Controlled Substance (methamphetamine) with Intent to Deliver, East Central Judicial District, Cass County, North Dakota, Case No. 09-04-K-1989, on or about September 7, 2004; and
- 2) Possession of a Controlled Substance (cocaine), Circuit Court of Cook County, Illinois, Case No. 86C6-60286, on or about June 11, 1986.

Therefore, if convicted in the instant case, Defendant Clifford Scott Eaton is subject to the enhanced penalties of a mandatory term of imprisonment of life, a fine of up to \$8,000,000.00, and a minimum ten-year term of supervised release.

Dated this 9th day of July, 2010.

LYNN C. JORDHEIM
Acting United States Attorney

By: /s/
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 Attorney for United States

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA,)	
)	Criminal No. 1:09-cr-103-01
Plaintiff,)	
)	<u>CERTIFICATE OF SERVICE</u>
v.)	
)	
CLIFFORD SCOTT EATON,)	
)	
Defendant.)	

I hereby certify that on July 9, 2010, the following documents:

Information to Establish Prior Conviction

were filed electronically with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing (NEF) to the following:

Michael R. Hoffman

hoffmanmike@yahoo.com,pkthurn@yahoo.com

I further certify that a copy of the foregoing documents will be mailed by first class mail, postage paid, to the following non-ECF participants:

Mr. Michael R. Hoffman
Attorney at Law
P. O. Box 1056
Bismarck, ND 58502

Dated: July 9, 2010

/s/ _____
Jean C. Vetsch
Office of United States Attorney